

By the Committee on Judiciary; and Senator Bradley

590-02906-24

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1 A bill to be entitled

2 An act for the relief of Julia Perez by the St. Johns
3 County Sheriff's Office; providing for an
4 appropriation to compensate Julia Perez for personal
5 injuries and damages sustained as a result of the
6 negligence of an employee of the St. Johns County
7 Sheriff's Office; providing legislative intent for the
8 waiver of certain lien interests; providing a
9 limitation on compensation and the payment of attorney
10 fees; providing an effective date.

11
12 WHEREAS, at 5:09 p.m. on April 7, 2019, Julia Perez was
13 wearing a helmet and lawfully operating a motorcycle within the
14 posted speed limit, traveling east on State Road 16 in the
15 correct travel lane in unincorporated St. Johns County, and

16 WHEREAS, at the same time, an employee of the St. Johns
17 County Sheriff's Office (SJSO), acting in the course and scope
18 of his employment, was operating a marked SJSO patrol vehicle,
19 and traveling west on State Road 16, and

20 WHEREAS, the SJSO employee negligently entered the
21 intersection of State Road 16 and Harvest Lane and attempted a
22 left turn directly in front of the motorcycle operated by Ms.
23 Perez, and

24 WHEREAS, Ms. Perez's motorcycle struck the right side of
25 the SJSO vehicle, causing her to eject from her motorcycle and
26 impact the hood of the patrol car before she came to rest on the
27 pavement of State Road 16, and

28 WHEREAS, the Florida Highway Patrol's traffic crash
29 investigators conducted an extensive crash investigation of the

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30 accident, including preparation for a traffic homicide
31 reconstruction due to Ms. Perez's grave condition, and

32 WHEREAS, witnesses on the scene told investigators that, at
33 the time of the crash, eastbound traffic had a steady green
34 signal, giving Ms. Perez the right of way, and

35 WHEREAS, the investigation determined that the actions of
36 Ms. Perez were reasonable and did not contribute to or cause the
37 collision, and

38 WHEREAS, the Florida Highway Patrol investigation found the
39 SJSO employee to be solely at fault for causing the accident and
40 issued him a traffic citation for failure to yield to oncoming
41 traffic in violation of s. 316.122, Florida Statutes, to which
42 he pled no contest, and

43 WHEREAS, the St. Johns County Sheriff's Office has admitted
44 its employee was negligent in causing the collision and liable
45 for Ms. Perez's injuries, and

46 WHEREAS, Ms. Perez suffered catastrophic injuries, was
47 intubated and resuscitated at the crash site by local emergency
48 medical services, and was rushed to the Trauma Center at
49 Memorial Hospital Jacksonville, where she arrived comatose and
50 had to undergo a series of blood transfusions, and

51 WHEREAS, Ms. Perez suffered multiple open and comminuted
52 fractures of the pelvis, arms, and legs, as well as organ
53 lacerations and punctures, including a punctured left lung,
54 resulting in cardiopulmonary arrest due to blood loss, and
55 numerous complications, including a pulmonary embolism, deep
56 vein thrombosis, and episodes of pneumonia; suffered at least
57 one myocardial infarction; and endured multiple systemic
58 infections, bowel obstructions, a fractured arm, and a nicked

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59 artery, and

60 WHEREAS, Ms. Perez remained hospitalized and was in a
61 nursing home for almost 8 months following the crash, and

62 WHEREAS, because of blood loss and infection, Ms. Perez
63 suffered renal tubular necrosis and a kidney injury, which
64 necessitated her to receive kidney dialysis for many months and
65 made it possible that she will need further kidney treatment in
66 the future, and

67 WHEREAS, Ms. Perez suffers from substantial pain when
68 trying to accomplish simple tasks of daily living and
69 experiences interrupted sleep on a nightly basis, chronic
70 migraine headaches, and severe elevated blood pressure, and

71 WHEREAS, Ms. Perez suffers from memory loss, confusion,
72 communication difficulties, fatigue, frustration, and
73 depression, and she is under the treatment of a neurologist, and

74 WHEREAS, Ms. Perez has undergone dozens of surgeries and
75 faces many more, and

76 WHEREAS, Ms. Perez's past medical bills attributable to the
77 crash and related liens amount to more than \$3,863,108.09, and

78 WHEREAS, the costs of Ms. Perez's future medical care and
79 related expenses are estimated to be as much as \$4,077,923.57
80 over the course of Ms. Perez's life, and

81 WHEREAS, Ms. Perez has been declared to be totally and
82 permanently disabled by her physicians, and her loss of earning
83 capacity is estimated to be \$282,110, based on her full Social
84 Security retirement age of 67 and a minimum-wage earning
85 capacity, and

86 WHEREAS, a lawsuit was filed on behalf of Ms. Perez and was
87 set for trial in the Circuit Court of the Seventh Judicial

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88 Circuit, in and for St. Johns County, Florida, styled *Julia*
89 *Perez vs. Robert A. Hardwick, in his capacity as Sheriff of St.*
90 *Johns County*, Case No.: 2020-CA-387; however, the parties agreed
91 to a settlement amount of \$6.5 million before trial, and

92 WHEREAS, Ms. Perez has been paid the statutory limit of
93 \$200,000 by the St. Johns County Sheriff's Office's self-
94 insuring risk pool, leaving a balance of \$6.3 million which the
95 St. Johns County Sheriff's Office is willing to pay upon being
96 authorized to do so by the enactment of a claim bill pursuant to
97 s. 768.28, Florida Statutes, and

98 WHEREAS, the parties agree to support a claim bill that
99 authorizes and directs the St. Johns County Sheriff's Office to
100 appropriate from funds of the county and pay Julia Perez \$6.3
101 million, and

102 WHEREAS, Ms. Perez seeks the total sum of \$6.3 million in
103 relief from the Legislature for satisfaction of her injuries and
104 damages, NOW, THEREFORE,

105

106 Be It Enacted by the Legislature of the State of Florida:

107

108 Section 1. The facts stated in the preamble to this act are
109 found and declared to be true.

110 Section 2. The St. Johns County Sheriff's Office is
111 authorized and directed to appropriate from funds of the county
112 not otherwise encumbered and pay Julia Perez \$6.3 million, to
113 compensate her for the injuries and damages she sustained due to
114 the negligence of an employee of the St. Johns County Sheriff's
115 Office.

116 Section 3. It is the intent of the Legislature that all

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117 lien interests held by the state, if any, resulting from the
118 treatment and care of Julia Perez for the occurrences described
119 in this act are waived. It is the intent of the Legislature that
120 all Medicaid liens arising from the treatment and care of the
121 injuries and damages to Julia Perez described in this act shall
122 be waived.

123 Section 4. The amount awarded under this act is intended to
124 provide the sole compensation for all present and future claims
125 arising out of the factual situation described in this act which
126 resulted in injuries and damages to Julia Perez. The total
127 amount paid for attorney fees relating to this claim may not
128 exceed 25 percent of the total amount awarded under this act.

129 Section 5. This act shall take effect upon becoming a law.